

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN B. McINTYRE,

Plaintiff,

-against-

NUHEALTH - NASSAU UNIVERSITY MEDICAL CENTER,
NASSAU UNIVERSITY MEDICAL CENTER SECURITY
STAFF, DANIEL ADDANKI, M.D., ALFRED CASTILLO,

Defendants.
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FEUERSTEIN, J.

11-CV-3934(SJF)(AKT)

ORDER

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ FEB 13 2012 ★

LONG ISLAND OFFICE

On August 12, 2011, incarcerated pro se plaintiff Kevin McIntyre ("plaintiff") filed a complaint pursuant to 42 U.S.C. § 1983 ("Section 1983") against NuHealth - Nassau University Medical Center ("NUMC"), Nassau University Medical Center Security Staff, Daniel Addanki, M.D. and Alfred Castillo. By order dated September 19, 2011, the Court directed that the complaint be dismissed unless plaintiff filed an amended complaint within thirty (30) days of the date on which the order was served upon him. [Docket Entry No. 6].

Plaintiff has failed to file an amended complaint, although his deadline to do so has expired. Accordingly, plaintiff's claims pursuant to Section 1983 are dismissed with prejudice. Insofar as plaintiff alleges state law claims, such claims are dismissed without prejudice in order for such claims to be pursued in state court. The Clerk of Court shall close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the pro se plaintiff at his last known address, and shall record such service on the docket. The Court

certifies pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein

~~Sandra J. Feuerstein~~
United States District Judge

Dated: February 13, 2012
Central Islip, New York